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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,142	04/15/2002	Franz Wieth	LBP-PT016(19 355 su)	9820
3624	7590	02/10/2004	EXAMINER	
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			PREVIL, DANIEL	
			ART UNIT	PAPER NUMBER
			2636	13

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,142

Applicant(s)

WIETH ET AL.

Examiner

Daniel Previl

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 10-12, 16 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 10-12, 16, 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communication filed on November 19, 2003.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because all boxes in Fig. 1-Fig. 6 need to have a descriptive word or phrase associated with a reference numeral. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7, 10-12, 16, 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenander (US 6,206,165) in view of French (US 6,486,768).

Regarding claim 1, Lenander discloses a method to detect and reward the return of shopping carts to collection points at a shopping center (abstract) wherein during a purchase, a first signal A is generated (after completion of the purchases, the stationary electronic device 18 will send a recording signal with

respect to the purchases having taken place) (col. 3, lines 39-56), when the shopping cart is returned to a collection, a second signal B is generated (this recording via an electronic indicator 17 initiate an optical and/or acoustical signal with the information that the returning of the service cart has occasioned a reward) (col. 3, lines 57-65); wherein the two signals A and B are correlated to issue a bonus (col. 3, lines 39-65; col. 4, lines 37-56); comprising: the step of correlating the first signal A with the second signal B (col. 3, lines 39-65).

Lenander discloses every feature of the claimed invention but fails to explicitly disclose the step of assigning the first signal A to a certain customer by identifying or individualizing the customer by optical recognition.

However, French discloses the step of assigning the first signal A to a certain customer by identifying or individualizing the customer by optical recognition (col. 11, lines 18-42)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of French in Lenander. Doing so would encourage the return of a shopping cart to a cart return location by providing direct benefits to the shoppers. Wherein shoppers can save money and time as taught by French (col. 1, lines 7-27).

Regarding claim 2, Lenander discloses the step of generating the second signal B when any shopping cart is returned to a collection point (col. 3, lines 57-65).

Regarding claim 3, Lenander discloses the step of generating the second signal B when the returned shopping cart had previously been located outside of the collection (outdoor of the collection station) for longer than a preset time period (col. 2, lines 2-24).

Regarding claim 4, Lenander discloses the second signal when the shopping cart had been previously used to go shopping (col. 3, lines 57-65).

Regarding claim 7, the above combination discloses all the limitations in claim 1 and French further discloses optical recognition system (col. 11, lines 18-42). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of French in Lenander. Doing so would encourage the return of a shopping cart to a cart return location by providing direct benefits to the shoppers. Wherein shoppers can save money and time as taught by French (col. 1, lines 7-27).

Regarding claims 10-11, the above combination discloses all the limitations in claim 1 and French further discloses signals A and B are saved on a customer-owned data medium (col. 11, lines 18-63). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of French in Lenander. Doing so would encourage the return of a shopping cart to a cart return location by providing direct benefits to the shoppers. Wherein shoppers can save money and time as taught by French (col. 1, lines 7-27).

Regarding claim 12, the above combination discloses all the limitations in claim 1 and French further discloses a time stamp on the customer-owned data

medium, they are read out when the next purchase is made and are correlated to issue of a bonus at the shopping center (col. 12, lines 6-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of French in Lenander. Doing so would encourage the return of a shopping cart to a cart return location by providing direct benefits to the shoppers. Wherein shoppers can save money and time as taught by French (col. 1, lines 7-27).

Regarding claim 16, Lenander discloses a system for detecting and rewarding the returning of shopping carts to a collection point (abstract) comprising: a first detection means (electronic signal director 20) generating the first signal A (after completion of the purchases, the stationary electronic device 18 will send a recording signal with respect to the purchases having taken place), a second detection means (electronic indicator 17) generating a second signal when a shopping cart is returned to a collection point and a data processing unit (electronic device 18) to correlate the two signals A and B to issue a bonus (this recording via an electronic indicator 17 initiate an optical and/or acoustical signal with the information that the returning of the service cart has occasioned a reward) (col. 3, lines 39-65; col. 4, lines 37-56)

Lenander discloses every feature of the claimed invention but fails to explicitly disclose an optical recognition.

However, French discloses an optical recognition (col. 11, lines 18-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of French in Lenander.

Doing so would encourage the return of a shopping cart to a cart return location by providing direct benefits to the shoppers. Wherein shoppers can save money and time as taught by French (col. 1, lines 7-27).

Regarding claim 20, the above combination discloses all the limitations in claim 1 and French further discloses the information medium is a data medium in the permanent possession of the customer (col. 11, lines 18-63). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of French in Lenander. Doing so would encourage the return of a shopping cart to a cart return location by providing direct benefits to the shoppers. Wherein shoppers can save money and time as taught by French (col. 1, lines 7-27).

Regarding claim 21, the above combination discloses all the limitations in claim 1 but fails to explicitly disclose a mobile phone. Since French discloses satellite or telephone link (col. 11, lines 60-61). So, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a mobile phone to transmit quicker and less expensive information. Wherein users and store' owners can save time and money.

Regarding claim 22, Lenander discloses a second detection means (electronic indicator 17) for recognizing whether the returned shopping cart has been stored into the shopping cart stacked row provided at the collection point within a prescribed tolerance (col. 11, lines 57-67).

Regarding claim 23, the above combination discloses all the limitations in claim 1 and French further discloses a number of optical detectors (LEDs) , detectors

being attached to the shopping carts and being provided the generations of signals A and B (fig. 13; col. 10, lines 18-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of French in Lenander. Doing so would encourage the return of a shopping cart to a cart return location by providing direct benefits to the shoppers. Wherein shoppers can save money and time as taught by French (col. 1, lines 7-27).

Regarding claim 24, the above combination discloses all the limitations in claim 1 and French further discloses optical detectors are provided with a read-write (card reader) device to write the customer-owned data medium which comprises a chip card (col. 10, lines 18-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of French in Lenander. Doing so would encourage the return of a shopping cart to a cart return location by providing direct benefits to the shoppers. Wherein shoppers can save money and time as taught by French (col. 1, lines 7-27).

Regarding claim 25, the above combination discloses all the limitations in claim 1 and French further discloses a wireless forwarding of signals A and B to the customer-owned data medium is provided (col. 11, lines 18-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of French in Lenander. Doing so would encourage the return of a shopping cart to a cart return location by providing direct benefits to the shoppers. Wherein shoppers can save money and time as taught by French (col. 1, lines 7-27).

Regarding claim 26, the examiner takes the official notice that "optical transmitter made up of IR light sources" is well known in the art.

Regarding claims 27-28, the above combination discloses all the limitations in claim 1 and French further discloses the first optical signal transmitter comprises a light signal that is modulated according to normal lighting of the shopping center (col. 10, lines 18-28). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of French in Lenander. Doing so would encourage the return of a shopping cart to a cart return location by providing direct benefits to the shoppers. Wherein shoppers can save money and time as taught by French (col. 1, lines 7-27).

Response to Arguments

4. Applicant's arguments filed on November 19, 2003 have been fully considered but they are not persuasive.

According to Applicant's argument "Both Lenander and French do not disclose an optical recognition of a customer". The examiner respectfully disagrees with the Applicant because French discloses a customer ID card 404 having a customer ID number or code. This ID code may be encoded on the card 404 as a bar code, a magnetic stripe, smart card etc (col. 11, lines 18-35). So, it is clear that French discloses an optical recognition.

For at least the above reason, the rejection of claims 1-4, 7, 10-12, 16, 20-28 is sustained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith (US 3,882,982) discloses a method and apparatus for encouraging return of shopping carts.

Peggs (US 3,897,863) discloses a cart reception and reward mechanism.

Unger (US 4,470,495) discloses a device for encouraging the return of shopping carts.

Havens (US 4,868,544) discloses a shopping cart retrieval system.

DiPaolo et al. (US 5,402,106) discloses a shopping cart theft prevention system.

Burke (US 5,848,399) discloses a computer system for allowing a consumer to purchase packaged goods at home.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is 703 305-1028. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on 703 305 4717. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

DP
January 27, 2004

Daniel Previl
Examiner
Art Unit 2632



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600